

PROPOSED POLICY

Policy GCLE, GCLE-R

UNENCUMBERED TIME

Code **GCLE** Issued **MODEL/23**

In accordance with state law, the district will require the principal of each elementary school to provide at least 30 minutes of unencumbered time to all full-time instructional staff teaching in grades K-5, and to instructional staff of any elementary, middle, or high school responsible for teaching a special education class for more than 20 percent of the school day with students who are removed from the general education setting.

The following definition will apply to unencumbered time:

Unencumbered time is defined as 30 minutes during the regular workday where teachers are provided time that is self-directed and free from assigned duties or responsibilities, including direct instruction or supervision of students.

The unencumbered 30 minutes of time must not include:

- Parent/Teacher conferences
- Bus duty
- IEP and 504 meetings
- Team meetings
- Professional development activities that are not self-directed
- Managing or supervising the transition of students to and from activities, classes, lunch, recess, or any other activities

Implementation

Development of a schedule

The superintendent will provide guidance to principals to help ensure that they establish procedures and a schedule for unencumbered time. The superintendent is also responsible for maintaining administrative procedures that will facilitate this policy.

The placement of unencumbered time within the instructional day may vary as determined by the principal based on the staffing and scheduling needs of each school and need not be uniform among schools in the district. However, providing unencumbered time will not be achieved by expanding the expected work hours for instructional staff before or after the school day.

A principal will not reduce or withhold an eligible teacher's unencumbered time on a regular basis. Unencumbered time may only be reduced or withheld when it is reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff. Such circumstances could include, but are not limited to, an emergency drill or an insufficient number of staff and substitute teachers to maintain instruction in the school. If there are persistent, unavoidable circumstances preventing a teacher from taking their unencumbered time, administration should notify the superintendent.

Off-campus school activities, such as field trips, would be considered an example of an unavoidable circumstance in which a qualified teacher's unencumbered time may be withheld to ensure the safety and welfare of students and staff.

If an eligible staff member's unencumbered time is reduced, withheld, or voluntarily relinquished, additional compensation may not be offered in place of unencumbered time except as provided by state law.

Supervision of students

The principal is responsible for coordinating a plan for the supervision of students by staff not eligible for unencumbered time.

The school district shall employ two district lunch monitors for each elementary school in order to implement the required 30 minutes of unencumbered time.

If a lunch monitor is absent or unable to fulfill his/her duties, the principal shall implement a contingency plan to ensure eligible teachers receive 30 minutes of unencumbered time.

Every school shall provide appropriate training and on-boarding for any lunch monitors.

Discipline

The intentional failure of the school's principal to provide eligible teachers with 30 minutes of unencumbered time may result in disciplinary action pursuant to the district's established disciplinary policy. This may also be sufficient cause for suspension or revocation of a school principal's educator certificate pursuant to applicable state law.

The intentional failure of the board to provide eligible teachers with the required 30 minutes of unencumbered time may subject the board to any penalties prescribed by law.

If a lunch monitor is absent or unable to fulfill his/her duties, the principal shall implement a contingency plan to ensure eligible teachers receive 30 minutes of unencumbered time.

Every elementary school shall
Cf. GCQF

Adopted ^

Legal References:

- A. S.C. Code of Laws, 1976, as amended:
 - 1. Section 59-5-63 - Unencumbered time requirement; policies; school district adoptions.
 - 2. Section 59-25-160 - Revocation or suspension of certificate; "just cause" defined.

UNENCUMBERED TIME

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Procedures for Unencumbered Time

The principal of each school will establish an unencumbered time schedule that will provide at least 30 minutes of duty-free time each regular school day for all qualified teachers with the goal of providing an average of at least 150 minutes of unencumbered time per week.

The principal will review the schedule as needed to ensure compliance with the guidelines and to maintain equity and fairness.

The principal will also establish provisions for the safety and supervision of students by staff who are not entitled to unencumbered time.

Eligibility

A full-time teacher teaching kindergarten through fifth grade and working a minimum of 30 hours per week is eligible for 30 minutes of unencumbered time per school day.

A teacher responsible for instructing a special education class for more than 20 percent of the school day with students who are removed from the general education setting is eligible to receive 30 minutes of unencumbered time per regular school day.

Note: This provision is not limited to elementary special education teachers and extends to special education teachers who meet these criteria in grades K through 12.

Reduction or Withholding of Time

The board prohibits improper reduction or withholding of a qualified teacher's unencumbered time. A qualified teacher's unencumbered time may only be withheld or reduced when it is reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff.

In determining whether an extreme and unavoidable circumstance exists, the principal will use the following guidelines:

- A staff shortage exists when, despite reasonable efforts the principal is unable to find a sufficient number of staff members and substitute teachers to maintain instruction or to supervise students during unencumbered time periods, and no other staff members are available.
- An extreme or unavoidable circumstance exists when because of an emergency drill, illness, epidemic, natural or man-made disaster, the principal cannot acquire staff to supervise students.

Reporting of improper reductions or withholdings

A teacher who believes their unencumbered time has been intentionally and improperly reduced or withheld by their principal should follow the district's established grievance procedure. Violations may result in appropriate action under the district's disciplinary policy and may be sufficient cause for suspension or revocation of the principal's educator certificate.

Link to Policy GBK Staff Concerns/Complaints/Grievances:
https://boardpolicyonline.com/?b=york3_rock_hill

MODEL POLICY

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A principal will not reduce or withhold an eligible teacher's unencumbered time on a regular basis. Unencumbered time may only be reduced or withheld when it is reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff. Such circumstances could include, but are not limited to, an emergency drill or an insufficient number of staff and substitute teachers to maintain instruction in the school. If there are persistent, unavoidable circumstances preventing a teacher from taking their unencumbered time, administration should notify the superintendent.

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Supervision of students

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(Option: The district should enter any district-specific information here.)

Discipline

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The intentional failure of the board to provide eligible teachers with the required 30 minutes of unencumbered time may subject the board to any penalties prescribed by law.

(Drafter's Note: If necessary, the district may set reasonable guidelines to ensure that unencumbered time is not misused.)

Cf. GCQF

Adopted ^

Legal References:

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